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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,177	01/20/2004	Steven M. Bessette	WFG-4380-151	6664
	7590 03/08/200 NDERHYE, PC	EXAMINER		
901 NORTH G	LEBE ROAD, 11TH F	LILLING, HERBERT J		
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			1657	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	03/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary Taxaminer							
Examiner HERBERT J. LILLING 1557 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Brown of the property is specified show, the maximum statutory period by the providence of 37 CFR 1.734(b). In receiver, however, may a reply to be mely field If 140 period treply is specified show, the maximum statutory period will provide a statute or solv which the sact o extended period for reply will, by statute, cause the application to section & BANNONED (33 U.S.C. § 133) If 140 period treply is specified show, the maximum statutory period will not reply the specified of this communication Saline to solv which the sact or standed period for reply will, by statute, cause the application to section with the sact or standed period for reply will, by statute, cause the application to section is FINAL Solve the same adjustment. See 37 CFR 1.744(b). - The saction is FINAL Solve This action is non-final Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims - Application of the above claim(s) 29-36 is/are withdrawn from consideration Claim(s) 25-36 is/are pending in the application Application Papers 9) The specification is objected to by the Examiner The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 110		Application No.	Applicant(s)				
HERBERT J. LILLING HERBER	Office Action Communication	10/759,177	BESSETTE ET AL.				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Entermost of them may be available under the provision of 3° CFR 1.13(b). Inn event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. Failure to reply within the set of extended period for reply will. by statule, cause the application to become ABANDONED (30 U.S.C. § 133). Any reply received by the Office lear than three months after the mailing date of this communication. Palm to repeat the adjustment. See 3° CFR 1.70(b). Status 1) □ Responsive to communication (s) filed on 25 January 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 25-26 is/are pending in the application. 4) □ Claim(s) 25-26 is/are pending in the application. 4) □ Claim(s) 25-26 is/are allowed. 5) □ Claim(s) 28 is/are allowed. 6) □ Claim(s) 28 is/are objected to. 8) □ Claim(s) 28 is/are objected to. 8) □ Claim(s) 29-36 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
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	Paper No(s)/Mail Date	6)					

1. Receipt is acknowledged of the Terminal Disclaimer filed January 25, 2007, which has been approved.

2. Claims 25-36 are pending in this application.

Claims 29-36 have been withdrawn from consideration as drawn to the non-elected species.

Claims 25-26 are drawn to the generic claim.

Claim 28 is drawn to allowable subject matter in view of the Terminal Disclaimer.

Claim 27 contains subject matter, which has now been examined based on the non-elected species.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Samid, U.S. 5,605,930 or Elson, U.S. 6,133,312.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Each one of the references teaches a species within the scope of the Markush grouping of Claim 27, which includes benzyl alcohol of Samid [claims 25-27] and Elson [claims 25 and 27], which includes ionone, limonene, and geraniol within the scope of the claims.

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4. Claim 28 is objected to as being dependent upon a rejected base claim [claim 25

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and 26], but would be allowable if rewritten in independent form including all of the limitations

of the base claim and any intervening claims.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

The prior art was a proper rejection based on the art of record, which was overcome by

the Terminal Disclaimer. This action is made Final because a new search and examination of the

additional species has been required.

6. **No claim is allowed.**

7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is 571-273-8300. or SPE Jon Weber whose telephone number is 571-272-0925. Examiner can be reached Monday-Friday from about 7:30 A.M. to about 7:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL (571) 272-0918 Art Unit <u>1657</u> February 28, 2007

> Dr. Herbert J. Lilling Primary Examiner

Group 1600 Art Unit 1657